

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's)	
Rules to Ensure Compatibility)	CC Docket No. 94-102
with Enhanced 911 Emergency)	
Calling Systems)	
)	

**COMMENTS OF THE
CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION**

The Cellular Telecommunications & Internet Association ("CTIA"),^{1/} pursuant to the Public Notice released August 2,^{2/} hereby submits its comments in support of the wireless E911 Phase II waiver request filed by Sprint Spectrum L.P. d/b/a Sprint PCS ("Sprint PCS").^{3/} Sprint PCS has requested a temporary and limited waiver of the Commission's Phase II E911 rules to permit it to deploy an assisted Global Positioning Satellite ("GPS") solution throughout its Code Division Multiplexing Access ("CDMA") network.

Sprint PCS' request satisfies the Commission's criteria for waivers of the Phase II E-911 rules. Consistent with the Commission's stated position that its E911 rules should not "hamper

^{1/} CTIA is the international organization of the wireless communications industry for both wireless carriers and manufacturers. Membership in the association covers all Commercial Mobile Radio Service ("CMRS") providers and manufacturers, including cellular, broadband PCS, ESMR, as well as providers and manufacturers of wireless data services and products.

^{2/} Public Notice, "WTB Seeks Comment on E911 Phase II Waiver Request Filed by Sprint Spectrum L.P.," CC Docket No. 94-102, (rel. Aug. 2, 2001).

^{3/} Sprint PCS Supplemental Phase II Implementation Report and Request for a Temporary and Limited Waiver, filed July 30, 2001 ("Sprint PCS Waiver Request").

the development and deployment of the best and most efficient ALI technologies and systems,”^{4/} the Commission should grant Sprint PCS’ waiver request.

DISCUSSION

The wireless industry is committed to providing the best possible Phase II E911 service to subscribers, but carriers can only do as much as the currently available wireless location technology permits them to do. The Commission itself has recognized that during the transition to full Phase II deployment, there may be situations in which it is not possible for a carrier to satisfy the Commission’s Phase II standards by the prescribed deadlines. It therefore established a process under which individual waivers could be granted. In addition to satisfying the Commission’s traditional standards for a waiver by showing that “special circumstances warrant a deviation from the general rules, and such a deviation will serve the public interest,”^{5/} carriers must demonstrate that “technology-related issues” or “exceptional circumstances” make it impossible for them to deploy Phase II by October 1, 2001.^{6/} Moreover, the relief sought by the carrier must be “specific, focused and limited in scope, ...with a clear path to full compliance” with the Commission’s Phase II rules.^{7/}

^{4/} Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Memorandum Opinion and Order, 12 FCC Rcd 22665, 22725 ¶ 124 (Dec. 23, 1997).

^{5/} Revision of the Commission’s Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Fourth Memorandum Opinion and Order, 15 FCC Rcd 17442, 17457 ¶ 43 (rel. Sept. 8, 2000) (“Fourth MO&O”) (citing Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164, 1166 (D.C. Cir. 1990) and WAIT Radio v. FCC, 418 F.2d 1153, 1159 (D.C. Cir. 1969)).

^{6/} Fourth MO&O at ¶ 43.

^{7/} Id. at ¶ 44.

Applying these standards, the Commission granted VoiceStream a waiver so that it could use E-OTD technology in combination with an interim network software solution “safety net.”^{8/} The Commission found that VoiceStream’s proposal could offer “significant public safety benefits” by rapidly providing increased accuracy and reliability during the transition period from Phase I to Phase II, and even more precise levels of accuracy after that.^{9/} The Commission also found that VoiceStream faced “special circumstances” because of the limited technologies available for carriers using the GSM air interface.^{10/}

Like VoiceStream, Sprint PCS’ waiver request clearly satisfies the standards established by the Commission for waivers of the Phase II E-911 rules. As Sprint PCS explains in its Waiver Request, it has expended millions of dollars and thousands of man-hours to prepare for the Commission’s mandate and “no matter what resources are made available, Sprint PCS cannot perform a simultaneous nationwide deployment of this service.”^{11/} Sprint PCS has determined that a simultaneous, national rollout of Phase II services on October 1, 2001 is not possible due to the company’s “dependence upon manufacturers to provide the equipment and software necessary to deploy Phase II services.”^{12/} However, Sprint PCS expects its GPS solution to meet or exceed the precise accuracy requirements set by the Commission.^{13/} The relief Sprint PCS requests in order to implement its chosen technology is “specific and limited,” with a “clear path to full compliance” after a reasonable transition period. In particular, Sprint PCS has

^{8/} Id. at ¶¶ 59-60.

^{9/} Id. at ¶¶ 57-59.

^{10/} Id. at ¶ 56.

^{11/} Sprint PCS Waiver Request, at 27.

^{12/} Id. at 2.

requested to deploy GPS on a timeline that will allow a phased and rational roll out of services and it hopes to have at least one market launched before the October 1, 2001 deadline. In addition, Sprint PCS intends to have 100% of its handsets be GPS-enabled by the Commission's December 31, 2002 deadline. Because Sprint PCS has satisfied the requirements for a waiver of the Phase II E911 implementation rules, the Commission should grant Sprint PCS the relief it seeks.

Granting Sprint PCS a waiver of the Phase II rules is also consistent with the Commission's policy of technological neutrality for E-911. As the Commission has explained, "there is no single perfect ALI solution. Each has its advantages and limitations. Each may be improved in the future. Under these circumstances, we believe that the public interest and public safety will best be served by allowing a broad range of technologies, including handset-based opportunities, a reasonable opportunity to compete in providing 911 ALI."^{14/} Granting limited waivers of the Phase II rules to individual wireless carriers is simply a further extension of this policy, which recognizes that every wireless carrier will face unique circumstances as it transitions from Phase I to Phase II and no single Phase II solution will work in each of these situations.

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^{13/} See id. at 2.

^{14/} Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket 94-102, Third Report and Order, 14 FCC Rcd 17388, 17404-05 ¶ 33 (Oct. 6, 1999).

CONCLUSION

For the reasons set forth above, the Commission should grant Sprint PCS' Phase II E911 waiver request.

Respectfully Submitted,

/s/

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